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March 5, 2025

Via ECF

The Honorable Margaret M. Garnett
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *UMG Recordings, Inc. v. Verizon Communications Inc.* Case No. 24-cv-05285

Dear Judge Garnett:

We write on behalf of Plaintiffs UMG Recordings, Inc., Sony Music Entertainment, Warner Music Inc., ABKCO Music & Records, Inc., and their affiliated entities (collectively, “Plaintiffs”) in the above-captioned action to request a date for an Initial Pre-Trial Conference or, alternatively, permission to commence discovery. Verizon opposes this request.

Plaintiffs filed this case on July 12, 2024, asserting claims against Verizon¹ for contributory and vicarious infringement of more than 17,000 copyrighted sound recordings. ECF No. 1. Shortly thereafter, the Court scheduled an Initial Pre-Trial Conference for September 4, 2024 (ECF No. 15) and approved a proposed briefing schedule for Verizon’s motion to dismiss, with the opening brief due September 5, 2024. ECF No. 30.

Before those dates arrived, the parties jointly requested that the Court adjourn the September 4, 2024 Initial Pre-Trial Conference “until November 21, 2024, two weeks after Verizon has filed its reply brief, or until another date convenient for the Court.” ECF No. 35. On August 19, 2024, the Court granted the request to adjourn the Conference, but ordered that “[i]n light of the anticipated motion to dismiss, the conference that was scheduled for September 4, 2024, is ADJOURNED *sine die*.” ECF No. 36. Today, the motion to dismiss remains pending and the Conference has not been rescheduled. Because the preparation of a Civil Case Management Plan and Scheduling Order is keyed off the Initial Pre-Trial Conference date, no case schedule has been set, including for the commencement of discovery.

Plaintiffs, through counsel, recently proposed that the parties schedule a Rule 26(f) conference and request an Initial Pre-Trial Conference, as a step towards commencing discovery. Verizon, through counsel, disagreed, on the basis that the request is premature and stated that

¹ “Verizon” refers collectively to all three Defendants in this action: Verizon Communications Inc., Verizon Services Corp., and Cellco Partnership.

“Verizon believe[s] that the initial conference, and discovery, should wait for the Court’s ruling on the pending motion to dismiss.” March 3, 2025 Email from J. Branson.

In order to move the case forward—including to guard against the risk of fading memories and in pursuit of enforcing their rights—Plaintiffs respectfully request that the Court set a date for an Initial Pre-Trial Conference at its convenience. Alternatively, if the Court prefers, Plaintiffs request that the parties be directed to hold a Rule 26(f) conference and commence discovery.

Respectfully submitted,

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cc: Counsel of Record (via ECF)